

Attica Witness Cites Coercion and Says He Lied on Killings

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BUFFALO, Jan. 22—A prosecution witness testified here today that he had lied to a grand jury investigating the killing of two Attica prison inmates because he had been beaten and coerced and had feared for his life.

The witness, Charles H. Crowley, a former Attica inmate, said the physical and sexual abuse to which he had been subjected by correction officers during and after the quelling of the 1971 prison rebellion had left him so maimed that he could not identify the men who had murdered him.

Mr. Crowley had identified to a grand jury four of the five men accused of involvement in the killing of the inmates during the rebellion.

He said today that all of his previous statements in the case, during interviews with investigators and assistant attorney generals and before the Wyoming County general had

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Copies to Grand Juries

Justice Joseph S. Mattina of State Supreme Court, who is presiding over the pretrial hearings, ordered that copies of Mr. Crowley's testimony here today be sent to the United States Attorney for the Western District of New York and to the grand-jury foreman for the Federal grand jury in this district.

Justice Mattina also ordered that copies be sent to the Erie County District Attorney, the grand-jury foreman in Erie County, and to the grand-jury foreman in Wyoming County.

The Attica State Correctional Facility is in Wyoming County, where two grand juries have been impaneled in connection with the rebellion and its quashing by state troopers, correction officers and sheriff's deputies.

Forty-two indictments, all of inmates, have been handed up. The four trials resulting so far from the indictments have been taking place in Erie County by official decision for the sake of convenience.

Accused of Kidnapping

Mr. Crowley had been called to testify in pretrial hearings, which are to determine whether the state used proper procedures in selecting and preparing its eyewitnesses for trial.

The five men accused of the murders of two inmates are Herbert X. Blyden, Roger Champen, Bernard Stroble, who calls himself Shango Bahti Kakowana; Eric Thompson, who calls himself Jomo Joka Omo-wale, and Frank Smith, who calls himself Big black. They are accused of kidnapping and involvement in the death of Barry Schwartz and Kenneth Hess, both of whom were found dead of multiple stab wounds after the rebellion was quashed.

According to the official report of the New York State Special Commission on Attica, Mr. Hess and Mr. Schwartz, both white, had incurred the wrath of rebellion leaders because they talked to a television reporter, Stewart Dan of WGR-TV in Buffalo, without authorization from the inmate representative committee.

Later Taken From Yard

The report said that soon after Mr. Schwartz and Mr. Hess spoke with the reporter, "they were stripped by inmate security guards and led out of the yard" into a prison building.

They were not seen again by inmates in the yard. Their bodies were found Sept. 13 and Sept. 14. The rebellion was put down on Sept. 13 when 3 people were killed.

All those accused of involvement in the murders of Mr. Schwartz and Mr. Hess are black and were considered leaders of the rebellion or members of the inmate security force organized to protect hostages and observers who entered the yard and to maintain order among fellow inmates.

Mr. Crowley, who was also a leader among the rebel negotiators, was taken out of the pri-

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been lies.

Appearing at a pretrial hearing, Mr. Crowley, a 44-year-old Brooklyn resident who is now on parole, said he had been beaten repeatedly by correction officers from the time he was taken from the prison yard on Sept. 11, 1971, during the rebellion, to the time, six days later, when he was first interviewed by the state's Bureau of Criminal Investigation and asked to name the suspects in the case.

son yard to the prison hospital on Sept. 11, two days after the riot had started, because he had fainted and felt ill.

"When I was finally put into a room in the hospital, I was visited," he said on the witness stand today, pausing to take notes from his pocket. He then read a list of the names of at least seven correction officers who he said had visited him in his hospital room.

Half-Hour Beating

"They beat me for at least half an hour," Mr. Crowley, who is also black, continued. "I was made to crawl around on the floor and shout 'White power!' and kiss their feet."

He said this happened repeatedly for two days. On the night of Sept. 13, he said, after the prison was recaptured by the authorities, he was sodomized by correction officers using their nightsticks.

By Sept. 17, when he was first visited by investigators from the Bureau of Criminal Investigation, Mr. Crowley said, he was so frightened that he would have testified against his own mother.

"I gave an interview," he said at another point, "under an atmosphere of the most intense terror I have ever known. I gave an interview to save my life."

He said that he lied to the Bureau of Criminal Investigation men then, answering what he said appeared to be leading questions about four of the defendants, and that he sustained his lies during later interviews and questioning by all official bodies concerned with Attica until today. The one man he did not link to the killings was Mr. Thompson.

Lawyer's Dismissal Sought

Toward the end of his testimony today, Mr. Crowley said: "If they want me to go to jail for lying, why, I say: Bring it on!"

Earlier in the day, Mr. Blyden asked Justice Mattina to allow him to dismiss his lawyer, Paul Chevigny. Mr. Blyden, who represents himself on one of the two indictments against himself, had been cross-examining a witness in a manner that went against the agreed-upon defense strategy. He asked Mr. Chevigny to give him a date at one point and Mr. Chevigny, annoyed at his line of questioning, muttered to him: "You're doing your own thing. You find it." Mr. Blyden then asked that Mr. Chevigny be removed from his case.

Shortly thereafter came the luncheon recess, and when the hearings resumed at 2 P.M. Justice Mattina said he would temporarily appoint Mr. Chevigny legal adviser to Mr. Blyden, referring the final decision on Mr. Blyden's request to another Supreme Court Justice here.

The pretrial hearings before Justice Mattina continue tomorrow.

Down the hall in the Erie County Courthouse, jury selection has begun in the case of two other former Attica inmates, Charles J. Pernasilice and John Hill, who are accused of murdering a correction officer, William Quinn, during the rebellion.